

MAY 27 2007

JOANNE MCKEE, CLERK  
BY PS DEPUTY

NORMAN K. JOHNSON, No. 3816  
L. WARD WAGSTAFF, No. 5554  
Assistant Attorneys General  
MARK L. SHURTLEFF, No. 4666  
UTAH ATTORNEY GENERAL  
ATTORNEYS FOR UTAH STATE ENGINEER  
1594 West North Temple, Suite 300  
SALT LAKE CITY, UTAH 84116  
Telephone: (801) 538-7227

RECEIVED

MAY 27 2007

ATTORNEY GENERAL  
Natural Resources Division

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT

IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE RIGHTS  
TO THE USE OF WATER, BOTH SURFACE  
AND UNDERGROUND, WITHIN THE  
DRAINAGE AREA OF THE UINTA BASIN  
IN UTAH

**ORDER OF DISTRIBUTION**

Civil No. 560800056CV

JUDGE JOHN R. ANDERSON

Pursuant to the Motion of the State Engineer for Order of Distribution requesting that the Court order that all waters of the Duchesne - Strawberry River System be distributed according to the schedule prepared by the State Engineer, and good cause appearing therefore, it is hereby ORDERED that:

1. The Duchesne River Commissioner is to distribute all surface waters that contribute to the Duchesne - Strawberry River System, including storage, according to the Distribution Schedule prepared by the State Engineer (attached as Exhibit A) when the flow of water decreases to the point that it becomes

necessary to regulate any or all zones of the Duchesne - Strawberry River System, as those zones are defined in the Distribution Schedule, pending further order of this Court.

2. The River Commissioner is allowed to use Starvation Reservoir and Red Creek Reservoir as regulating devices in conjunction with the Distribution Schedule for those water users making appropriate arrangements with the reservoir owners, so long as other water rights are not impaired, and so long as such water users have in place adequate measuring devices approved by the State Engineer.

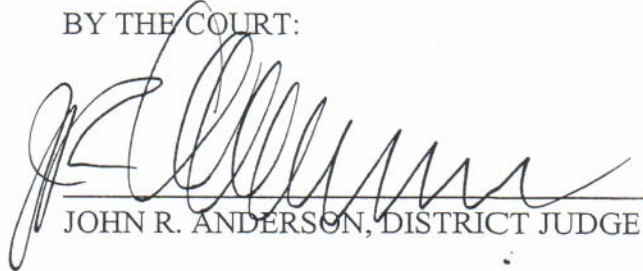
3. This Order of Distribution shall take effect upon execution by the Court, and shall remain in effect for the 2007 irrigation season unless otherwise ordered by the Court. However, nothing in this Order of Distribution shall preclude a water user from filing an objection at any time during the 2007 irrigation season.

4. Pursuant to Section 73-5-8 of the Utah Code and this Order of Distribution, water users shall submit a crop acreage report upon request by the State Engineer. Pursuant to Section 73-5-4 of the Utah Code, water users shall install and maintain flumes or other measuring devices as required by the State Engineer.

5. This Order of Distribution is made and entered without prejudice to the claims or assertions of any of the parties in subsequent proceedings in this general water rights adjudication, and does not constitute a final determination by this court as to the rights of the parties or the final duty of water from these sources.

Dated this 24 day of March, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John R. Anderson", is written over a horizontal line. The signature is fluid and cursive, with the first name "John" being particularly prominent.

JOHN R. ANDERSON, DISTRICT JUDGE

## **EXHIBIT A**

### **DISTRIBUTION SCHEDULE DUCHESNE - STRAWBERRY RIVER**

#### **DESCRIPTIONS OF DISTRIBUTION ZONES**

For the purposes of this Distribution Schedule, the Duchesne - Strawberry River System is divided into three zones which are described as follows:

##### **ZONE I**

Zone I includes the lands irrigated between the headwaters of the Duchesne River and the bridge (locally known as the Williams Bridge) on State Route 35 just above the confluence of Rock Creek with the Duchesne River. Zone I also includes the lands irrigated between the headwaters of Red Creek and its confluence with the Strawberry River, excluding Currant Creek.

##### **ZONE II**

Zone II includes the lands irrigated between the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek and the Duchesne River and down to the confluence of the Strawberry River with the Duchesne River.

##### **ZONE III**

Zone III includes all the land irrigated below the confluence of the Strawberry River with the Duchesne River including Indian Canyon.

#### **DELIVERY SCHEDULES**

##### **ZONE I**

Either Delivery Schedule A or Delivery Schedule B (both shown below) may be used for the distribution of water in Zone I. The Duchesne River Commissioner will determine which schedule should be used for the current year depending upon the climatic conditions existing in Zone I.

##### **ZONE II**

Either Delivery Schedule B or Delivery Schedule C (both shown below) may be used for the distribution of water in Zone II. The Duchesne River Commissioner will determine which schedule should be used for the current year depending upon the climatic conditions existing in Zone II.

##### **ZONE III**

Delivery Schedule C (shown below) shall be used for the distribution of water in Zone III.

### DELIVERY SCHEDULE "A"

May 1 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
May 1 - 15	15	1/100	0.01983	0.298	0.30
May 16 - 31	16	1/60	0.03306	0.529	0.83
June 1 - 15	15	1/60	0.03306	0.496	1.32
June 16 - 30	15	1/65	0.03051	0.458	1.78
July 1 - 15	15	1/70	0.02834	0.425	2.21
July 16 - 31	16	1/80	0.02479	0.397	2.60
Aug. 1 - 15	15	1/80	0.02479	0.372	2.98
Aug. 16 - 31	16	1/85	0.02333	0.373	3.35
Sept. 1 - 15	15	1/100	0.01983	0.298	3.65
Sept. 16 - 30	15	1/150	0.01322	0.198	3.84
Oct. 1 - 15	15	1/200	0.00991	0.149	3.99

### DELIVERY SCHEDULE "B"

April 20 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
April 20 - 30	11	1/145	0.01368	0.150	0.15
May 1 - 15	15	1/100	0.01983	0.298	0.45
May 16 - 31	16	1/85	0.02333	0.373	0.82
June 1 - 15	15	1/60	0.03306	0.496	1.32
June 16 - 30	15	1/65	0.03051	0.458	1.78
July 1 - 15	15	1/70	0.02834	0.425	2.21
July 16 - 31	16	1/80	0.02479	0.397	2.60
Aug. 1 - 15	15	1/80	0.02479	0.372	2.98
Aug. 16 - 31	16	1/85	0.02333	0.373	3.35
Sept. 1 - 15	15	1/100	0.01983	0.298	3.65
Sept. 16 - 30	15	1/150	0.01322	0.198	3.85
Oct. 1 - 15	15	1/200	0.00991	0.149	4.00

### DELIVERY SCHEDULE "C"

April 1 - October 15, 4.0 Acre-Feet per Acre

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date (1)	No. of Days (2)	CFS/Acres (3)	AF/Day (4)	AF/Period (5)	Accum AF (6)
April 1-15	15	1/160	0.01240	0.186	0.186
April 16 - 30	15	1/160	0.01240	0.186	0.372
May 1 - 10	10	1/125	0.01587	0.159	0.531
May 11 - 20	10	1/90	0.02204	0.220	0.751
May 21 - 31	11	1/80	0.02479	0.273	1.024
June 1 - 10	10	1/70	0.02834	0.283	1.307
June 11 - 20	10	1/70	0.02834	0.283	1.590
June 21 - 30	10	1/75	0.02645	0.265	1.855
July 1 - 10	10	1/75	0.02645	0.265	2.120
July 11 - 20	10	1/80	0.02479	0.248	2.368
July 21 - 31	11	1/80	0.02479	0.273	2.641
Aug. 1 - 15	15	1/80	0.02479	0.372	3.013
Aug. 16 - 31	16	1/85	0.02333	0.373	3.386
Sept. 1 - 15	15	1/100	0.01983	0.297	3.683
Sept. 16 - 30	15	1/150	0.01322	0.198	3.881
Oct. 1 - 15	15	1/250	0.00793	0.119	4.000